

STATUTES  
OF THE  
PROVINCE OF ONTARIO,  
1875-76.

STATUTES  
OF THE  
PROVINCE OF ONTARIO,

PASSED IN THE SESSION HELD IN THE  
THIRTY-NINTH YEAR OF THE REIGN OF HER MAJESTY  
QUEEN VICTORIA,

BEING THE FIRST SESSION OF THE THIRD PARLIAMENT OF ONTARIO,

BEGUN AND HOLDEN AT TORONTO, ON THE TWENTY-FOURTH DAY OF NOVEMBER, IN THE YEAR OF  
OUR LORD ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FIVE.



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THE HONOURABLE DONALD ALEXANDER MACDONALD,  
LIEUTENANT-GOVERNOR.

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Toronto:

PRINTED BY JOHN NOTMAN,  
LAW PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY.

ANNO DOMINI 1876.

## CAP. II.

An Act to Provide for the Registration of Births,  
Marriages and Deaths.

[Assented to 23rd December, 1875.]

**W**HEREAS it is expedient to provide a correct system of  
Registration of Births, Marriages and Deaths :

Therefore Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario,  
enacts as follows :

1. The Provincial Secretary shall be, for the purposes of this Act, the Registrar-General of the Province. Prov. Secre-  
tary to be Re-  
gistrar Gen-  
eral.
2. Each city, town, incorporated village, township, or union of townships, shall be a registration division ; and the clerks of such municipalities shall be, for the purposes of this Act, Division Registrars. Registry  
Division and  
Division  
Registrars.
3. The Lieutenant-Governor in Council shall appoint such Division Registrars in the existing Districts of Algoma, Nipissing and Thunder Bay, and also any territorial districts hereinafter formed, and by Order in Council make such rules and regulations as may be necessary to secure a correct record of the Births, Marriages and Deaths occurring therein until municipal organizations are formed. Registrars and  
regulations  
in Algoma,  
Nipissing,  
Thunder Bay  
and other Dis-  
tricts.
4. The Registrar-General shall procure the necessary books and forms for the Division Registrars, the same to be prepared according to Schedules A, B and C, appended to this Act, with such additional columns as may from time to time be added thereto by the Lieutenant-Governor in Council, in order to the procurement of correct statistical information ; and he shall distribute the same to the several Division Registrars, and the costs and expenses of such books and forms, and the expenses attendant upon the distribution thereof, shall be paid out of the Consolidated Revenue Fund of the Province. Books and  
forms for Re-  
gistrars.
5. The Division Registrars shall receive the books or forms sent by the Registrar-General, and keep the same in a place of safety ; make all entries therein as hereinafter required in this Act ; and shall, on or before the fifteenth days of January and July in each and every year, make returns to the Registrar-General of the forms containing the original entries, certified under his hand, of the Births, Marriages and Deaths of the previous six months. Custody,  
entries and  
returns in the  
books.
6. The occupier of the house or tenement in which a death shall Particulars as  
to death to be

furnished to Registrars. shall take place, or if the occupier be the person who shall have died, then some one of the persons residing in the house in which the death took place, or if such death shall not have taken place within a house, then any person present at the death or having any knowledge of the circumstances attending the same, or the Coroner who may have attended any inquest held on such person, shall, before the interment of the body, supply to the Division Registrar of the division in which such death took place, according to his or her knowledge or belief, all the particulars required to be registered touching such death, by the form provided by this Act.

Certificate of registry of death.

7. Every Division Registrar shall, immediately upon registering any death, or as soon thereafter as he shall be required so to do, without fee or reward, deliver to any person requiring the same for the purpose of burial, a certificate according to form of Schedule D appended to this Act, that the particulars of such death have been duly registered.

Minister, &c., on burying to make return of death, except on receipt of certificate from Registrar.

8. Every minister or other person who shall bury or perform any funeral or religious service for the burial of any dead body unless he has received a certificate under the hand of the Registrar of the Division in which the death took place, according to the Schedule D to this Act annexed, that the particulars of such death have been duly registered, shall make a return of such death according to Schedule C. to this Act annexed to the Registrar of the Division in which the death took place, within seven days after such burial.

Inspector of offices.

9. The Lieutenant-Governor in Council may appoint an Inspector, whose duties shall be to inspect the different Registration Offices throughout the Province, and carefully examine the different Schedules, to see that the entries and registrations are made therein in a proper manner and in legible hand-writing.

Notice of birth to be given.

10. The father of any child born in this Province, or in case of his death or absence, the mother, or in case of the death or inability of both parents, any person standing in the place of the parents, or, if none such there be, then the occupier of the house or tenement in which to his knowledge such child was born, or the nurse present at the birth, shall, within thirty days from the date of such birth, give notice thereof to the Division Registrar in which such child was born, giving as far as possible the particulars required in Schedule A, with such additional information as may be required by the Registrar-General from time to time, which particulars shall be entered by the Division Registrar in his book.

Registry of birth of illegitimate children.

11. In registering the birth of an illegitimate child, it shall not be lawful for the name of any person to be entered as the father, unless at the joint request of the mother and of the person acknowledging himself to be the father; and in all cases of the



the registration of the birth of illegitimate children, the Division Registrar shall write the word "illegitimate" in the column set apart for the name of the child, and immediately under the name, if any.

**12.** Every registration of a birth shall be made within the time aforesaid; but nothing herein contained shall prevent the subsequent registration of such birth within the period of one year.

Time for Registry.

**13.** Every clergyman, minister, or other person authorized by law to celebrate marriages, shall be required to report each and every marriage he celebrates to the Registrar of the Division within which such marriage is celebrated, within ninety days from the date of such marriage, with the particulars required by Schedule B, appended to this Act, and in order the better to enable the said clergyman, minister or other person to make such report as aforesaid, he shall be furnished by the Division Registrar of the division in which he resides with blank forms containing the particulars required by the said Schedule B.

Particulars as to marriage to be furnished—

Registrar to furnish forms.

**14.** Every duly qualified medical practitioner, who shall have been last in attendance during the last illness of any person, shall, within ten days after having notice or knowledge of the death of such person, transmit to the Division Registrar of the division in which the death took place, a certificate under his signature of the cause of death, according to the form of Schedule E appended to this Act, to be provided by the said Division Registrar, who shall be furnished with such forms; and it shall be the duty of every such medical practitioner to apply to the said Division Registrar for blank forms for that purpose, and upon the receipt of the said certificate from the said medical practitioner, by the Division Registrar, he shall make the entry as to the cause of death of such person according with the fact stated in the said certificate.

Medical practitioners to certify to Registrars as to death—Forms.

**15.** If within one year after the entry of any birth, marriage or death, it be discovered that any error has been made in such entry, then upon the same being reported to the proper Division Registrar within the time aforesaid, it shall be his duty to enquire into the same, and if satisfied that an error has been committed in any such entry, it shall be lawful for him to correct the erroneous entry, according to the truth of the case by entry in the margin, without any alteration in the original entry; and having made such correction, he shall, if the original entry of the birth, marriage or death so corrected has been returned as hereinbefore provided, report the same according to the facts of the case, to the Registrar General, whose duty it shall be to correct such erroneous entry in the margin of the book or form containing the original entry.

Correction of errors—Report to Registrar-General.

Penalty on Registrars for neglect of duty.

**16.** If any Division Registrar refuses or neglects to perform the duties required of him by this Act as such Division Registrar, he shall for every such offence, upon conviction thereof before any Justice of the Peace, forfeit the sum of fifty dollars to Her Majesty ; and it shall be the duty of the County Attorney in each county to prosecute such officials for any refusal or neglect to perform the duties required by this Act, when notified by the Registrar General, Inspector or other parties.

Registrar-General to keep and arrange, &c., returns.

**17.** The Registrar-General shall cause the original returns of the Births, Marriages and Deaths in each division, together with all the particulars communicated to him by the said Division Registrars, to be arranged, indexed, bound and kept in the office of the Registrar-General.

Search of, and extracts from records—evidence—fees.

**18.** All persons shall be entitled, at all reasonable hours, to search these records, and to require and receive extracts duly certified by the Registrar-General or Inspector ; which extracts shall be evidence of the entry certified and prima facie evidence in any court of law or equity in this Province, of the facts therein stated ; and, for every such certificate, the person so requiring the same shall pay a fee of fifty cents.

Penalty for false statements.

**19.** Any person who shall knowingly or wilfully make or cause to be made any false statement touching any of the particulars required to be reported and entered under this Act, shall upon conviction thereof before any Justice of the Peace, forfeit the sum of forty dollars.

Registrar-General to publish reports.

**20.** The Registrar-General shall on or before the first day of July in each year, collate, publish and distribute, for the use of Parliament, a full report of the births, marriages and deaths of the preceding year, giving such details, statistics and information as the Lieutenant-Governor in Council may think necessary.

Power to make rules for obtaining information.

**21.** The Lieutenant-Governor in Council may, from time to time, make such further rules, orders and regulations as may be required for the purpose of effectually obtaining the information required by this Act.

Penalty for neglect to report.

**22.** If any householder, head of a family, clergyman, physician, or other person or persons required by this Act to report births, marriages and deaths refuses or wilfully neglects to do so within the time named, such person shall, for each and every offence, forfeit and pay a sum not less than one dollar, nor more than twenty dollars and costs, in the discretion of the presiding Justice before whom the case shall be heard ; and it shall be the duty of the Division Registrar to prosecute all such persons so neglecting or refusing to make the required reports ; Provided that if the return required by this Act to be made by more than one person be made by any one of such persons, the other

other of such persons shall not be liable to any penalty in respect of his default.

**23.** Any Justice of the Peace having jurisdiction within the locality where any offence against this Act has been committed may hear and determine such complaint, and shall have power in case the penalty and costs awarded by him be not forthwith paid upon conviction, to levy the same by distress and sale of the goods and chattels of the offender, by warrant under his hand and seal; and, except as provided in section sixteen, the penalty when recovered shall be paid over by such Justice, one half to the person complaining and one half to the local municipality within which the offence is committed; and, in default of payment or sufficient distress, the offender may, by warrant signed and sealed as aforesaid, be imprisoned in the common gaol for a period not less than one day nor more than twenty days, at the discretion of such Justice, unless such penalty, costs and charges of commitment be sooner paid.

Procedure on complaints.

**24.** Each Municipality throughout the Province of Ontario shall pay annually to the Division Registrar appointed under the said Act, a fee of ten cents for each Birth, Marriage and Death registered by him under the provisions of this Act, upon receiving from the Inspector a certificate of the number of registrations made by such Registrar.

Fees to Registrars.

**25.** The term "occupier" used in the sixth and tenth sections of the said Act shall be construed to include the master, governor, keeper, warden or superintendent of gaol, prison, penitentiary, lunatic asylum, poor asylum, hospital or other public or private charitable institution.

Interpretation of the word "occupier."

**26.** The Act passed in the thirty-second year of Her Majesty's reign, chaptered thirty of the Statutes of Ontario, intituled "An Act to provide for the Registration of Births, Marriages and Deaths;" and an Act passed in the thirty-third year of Her Majesty's reign, chaptered twenty-two of the Statutes of Ontario, intituled "An Act to amend an Act passed in the thirty-second year of Her Majesty's reign, chaptered thirty of the Statutes of Ontario, intituled 'An Act to provide for the Registration of Births, Marriages and Deaths,'" are hereby repealed.

32 V. c. 30, 33 V. c. 22 repealed.

**27.** This Act shall come into force on the first day of January, one thousand eight hundred and seventy-six.

When this Act to come in force.



SCHEDULE A.—BIRTHS.

County of Division of

No.	When born.	Name.	Sex.	Name and surname of father.	Name and maiden surname of mother.	Rank or profession of father.	Signature, description and residence of informant.	When Registered.	Name of Accoucher.	Signature of Registrar.	Remarks.

SCHEDULE

I hereby certify the foregoing to be the true and correct entries of all births returned to me for the half-year ending the  
A.D. 18

Division Registrar of



SCHEDULE B.—MARRIAGES.

County of

Division of

BRIDEGRROOM.							BRIDE.							Remarks.								
No.	His name.	Age.	Residence when married.	Place of birth.	Bachelor or Widower. B. or W.	Rank or profession.	Name of parents.	Her name.	Age.	Residence when married.	Place of birth.	Spinster or widow.	Name of parents.	Name of witnesses.	Residence of witnesses.	Date of marriage.	Religious denomination of bridegroom.	Religious denomination of bride.	By whom married.	By license.	By banns.	Remarks.

SCHEDULE

I hereby certify the foregoing to be the true and correct entries of all marriages returned to me for the half-year ending the  
Given under my hand this A.D. 18 day of 18

Division of Registrar of



## SCHEDULE D.

I, Division Registrar of the Municipality of  
do hereby certify that the particulars of the  
death of have been duly registered.

Division Registrar's Office,  
day of 187 .

(Signature)

## SCHEDULE E,

## CAUSE OF DEATH.

County of Division of

Name and surname of deceased.	Sex.	Residence.	Rank or profession.	Duration of illness.	Cause of death.

I hereby certify the foregoing to be a true and correct certificate  
of the cause of the death of the person therein named.

Given under my hand this day of 18

M. D.

## CAP. III.

An Act with respect to the place of Solemnizing  
Marriages.

[Assented to 23rd December, 1875.]

HER MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows :

1. Every affidavit for obtaining a certificate or license to marry shall state in what County or District it is intended that the marriage shall be solemnized, and in what Town, Village or place The affidavit  
necessary.